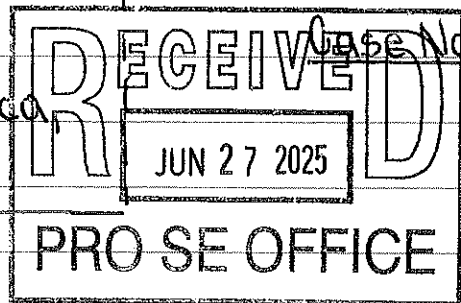


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Robert Pizarro,
Petitioner

-Vs-

United States of America,
Respondent



Case No. # 24-cv-2414 (AS)

17-CF-151 (AS)

Motion To Withdraw Pending Rule 60(b) Motion
Pursuant to Fed. R. Civ. P. 10(a)-(b)

COMES NOW, Petitioner Robert Pizarro, Pursuant to the above captioned, currently before this Court is Petitioner's § 2255 Motion to vacate sentence & Petitioner Moves this Court to GRANT this Motion for Withdrawal of his pending Rule 60(b) Motion, in Support Petitioner states the following:

- (1). Petitioner respectfully request withdrawal of his Rule 60(b) Motion because the Motion is/was prematurely filed on this Court.
- (2). Petitioner respectfully request that this Court Withdraw his Rule 60(b) Motion Without prejudice, so that if need be, the claims raised may be adjudicated at a later date.
- (3). More over, Petitioner's Motion to Vacate Sentence is currently pending before this Honorable Court, & redress/relief Petitioner so seeks can be GRANTED by this Court.


WHEREFORE, for the foregoing FACTS & REASONS Petitioner request respectfully that this Court GRANT this Motion & withdraw Petitioner's Rule 60(b) Motion Without prejudice as premature.

Respectfully Submitted,
Mr. Robert Pizarro
Robert Pizarro

Dated: June 10, 2025

The motion is DENIED as moot given that the Court already adjudicated petitioner's Rule 60(b) motion, construing it as a motion to amend his habeas petition. See Dkt. 42. The Clerk of Court is respectfully directed to terminate the motion at Dkt. 43.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: July 2, 2025

CERTIFICATE OF SERVICE

WHEREFORE, Petitioner, Robert Pizarro do hereby certify that on June 10, 2025 I caused the foregoing Withdrawal Motion Pursuant to Fed. R. Civ. P. 8(a); 10(a)(b) to be served on the United States District Court for the Southern District of New York via prepaid first class postage pursuant to the Prison mailbox rule / Houston v. Lack, 487 U.S. 266, 270-273 (1988) / Fed. R. App. P. 4(c)(1).

Robert Pizarro
Robert Pizarro

Signature

Date: June 10, 2025.

Cert.mail # 9589-0710-5270-0624-2073-18

Robert Pizarro #69026-064
U.S.P. Victorville
P.O. Box 3900
Adelanto, C.A. 92301



9589 0710 5270 0624 2073 18

Clerk of Courts
U.S. District Court house
600 Pearl Street
New York, N.Y. 10007

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